

Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner Fax: (620) 276-9315 www.agriculture.ks.gov

Phone: (620) 276-2901

Sam Brownback, Governor

November 16, 2016

RAY P SMITH 695 KANSAS 27 SHARON SPRINGS KS 67758-6029

RE: Change in Point of Diversion Water Right, File No 28295

Dear Mr. Smith:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by December 31, 2017. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#1 Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

# DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



# STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

								-2	Section 1997										
						ı	File No	. <u>2829</u>	)5					-					
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						□ P	lace o	f Use		$\boxtimes$	Point	of Div	ersion						
ui	nder the	e water	right v	vhich i	s the s	ubject	of this	applic	ation i	n acco	ordanc	e with	the co	ndition	s desc	ribed l	below.		
Т	he sour	ce of s	upply i	s:		⊠ 0	Ground	water			Surfa	ce wat	er						
2. N	Name and address of Applicant: RAY P SMITH																		
<u>69</u>	<u>95 KAN</u>	SAS 2	7 SH/	ARON	SPRI	NGS K	<u>S 677</u>												
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N	lame an	d addr	ess of	Water	Use C	orresp	onden	t: <u>RA'</u>	Y P SI	<u>/IITH</u>									
_	695 KANSAS 27 SHARON SPRINGS KS 67758-6029																		
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Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

# APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF THE WATER UNDER AN EXISTING WATER RIGHT



Assisted by:

Filing Fee Must Accompany the Application (Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

	I may prove you accommend
1.	Application is hereby made for approval of the Chief Engineer to change the
	Place of Use  NOV 1 0 2016
	(Check one of more)    X    Point of Diversion
	Use Made of Water  Garden City Field Office  Division of Water Resources
	File No. 28 275
2.	Name of applicant: Ray Smith
	Name of applicant: Ray Smith  Address: 695 Kansas 27 Sharon Springr KS 67758
	City, State and Zip:
	Phone Number: (785) 852-4653 E-mail address: 65 Lora @ cubsuetiong
	What is your relationship to the water right; ⊠ owner ☐ tenant ☐ agent ☐ other? If other, please explain.
	Name of water use correspondent: A boye
	Address:
	City, State and Zip:
	Phone Number: ( ) E-mail address:
3.	The change(s) proposed herein are desired for the following reasons (please be specific): Well caved in Jdy 2009, Installed sleeve. Thavebeen Olcenning to red ill and you have found a suitable site.
	2009, Listalled Steeve. Lhavebeen (Olcenning to red a)
	The change(s) (was) (will be) completed by 6/1/2016
	(Lote)
Fo	r Office Use Only:
F.C Co	D. <u>\( \frac{1}{2} \) GMD \( \frac{1}{2} \) Meets K.A.R. 5-5-1 (YES / NO) Use \( \frac{1}{2} \) Source (a) S County \( \frac{1}{2} \) Check # \( \frac{1}{2} \) So 7 \( \frac{1}{2} \) So 6</u>

File No. 28295

6.	The presently authorized point(s) of diversion (is) (are)	(NC 13765-4	100 and 500	SENE14								
7.	The proposed point(s) of diversion (is) (are) <u> </u>	(Provide description and n	LSW5WKE umber of points)	14-165-4.								
	List all presently authorized point(s) of diversion:											
8.	Presently authorized point of diversion:											
	One in the SW Quarter of the NW of Section 13 , Township 165	Quarter of the	NE	Quarter								
	of Section	South, Range	4100	(E/W),								
	in <u>Greeley</u> County, Kansas, <u>41/3</u> feet North 2	284feet West o	of Southeast corne	er of section.								
	Authorized Rate 799 Authorized Quantity 1677 160	<u>)                                    </u>										
ļ	(DWR use only: Computer ID No GPS	feet North	feet We	est)								
	☑ This point will not be changed ☐ This point will be changed a											
ļ	Proposed point of diversion: (Complete only if change is requested	d)										
	One in the Quarter of the			Quarter								
	of Section, Township	South, Range		(E/W).								
ı	in County, Kansas, feet North	feet West o	f Southeast corne	er of section.								
	Proposed Rate Proposed Quantity											
	This point is: Additional Well Geo Center List other water right		nt									
9. [	Presently authorized point of diversion:											
	One in the SW Quarter of the 56	Quarter of the	NE	Quarter								
-	One in the $\frac{5C}{14}$ Quarter of the $\frac{56}{16.5}$ of Section $\frac{14}{16.5}$ , Township $\frac{16.5}{16.5}$	South, Range	4100	(E/W),								
	in <u>Gredey</u> County, Kansas, <u>2750</u> feet North	<u>95 9_</u> feet West o	f Southeast corne	r of section.								
	Authorized Rate 865 Authorized Quantity 223/21	3										
	(DWR use only: Computer ID No GPS	feet North	feet We	est)								
- 1	☐ This point will not be changed   ☑ This point will be changed as follows:											
İ	Proposed point of diversion: (Complete only if change is requested	t)										
			NE	Quarter								
ļ	One in the $3\omega$ Quarter of the $5\omega$ of Section $14$ , Township $165$	South, Range	4100	(F/\/\)								
	in Greeley County, Kansas, 2720 feet North 2	250) feet West of	f Southeast corne	r of section.								
	in <u>Greeky</u> County, Kansas, <u>7720</u> feet North <u>7</u> Proposed Rate <u>865</u> Proposed Quantity <u>723/213</u>			. 0. 000								
	This point is: Additional Well Geo Center List other water right											
				1								
10.	Presently authorized point of diversion:											
- 1	One in the Quarter of the	Quarter of the		Quarter								
	of Section, Township	South, Range		(E/W),								
	of Section, Township in County, Kansas, feet North	feet West of	Southeast corne	r of section.								
	Authorized Rate Authorized Quantity	_										
	(DWR use only: Computer ID No GPS	feet North	feet We	st)								
ł	$\square$ This point will not be changed $\square$ This point will be changed a	s follows:										
	Proposed point of diversion: (Complete only if change is requested	1)										
	One in the Quarter of the			Quarter								
	of Section, Township											
	in County, Kansas, feet North											
	Proposed Rate Proposed Quantity		_ 320,72000 001110									
	This point is: Additional Well Geo Center List other water rights	— s that will use this poin	t									
L 44				7100-								
11.	Describe the current condition of and future plans for any point(s) of dive	ersion which will no ion	ger be used									
	well will be plugged,											
	IF MORE SPACE IS NEEDED, ATTACH ADDITION	IAL OUEETO AO	UEAEAA A DV									

																File N	o. <u>2</u>	87	295
4. Th	e present Owner o	ly au of La	ithoriz ind —	ed pla - NAN	ace of /IE:	use is	: Ran	P	Sim	1.14									7758
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List any	y other wa	iter r	ights	that c	over th	is pla	ce of u	ise	N	on e	2_	<u> </u>	L	l		<u> </u>	<u> </u>	<u>.</u>	<u> </u>
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List any	other wa	ter r	ights t	hat co	over th	is plac	e of u	se											
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5 <del>. It i</del> s	s proposed	d tha	t the	place	of use	be ch	anged	to:											
	Owner o	f Lai	nd —	NAM	IE:			N	<u>C</u>										
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ennocuments.					<u> </u>												
List any other water rights that cover this place of use																	

Owner of Land — NAME: \_\_\_\_\_

ADDRESS:

			NE%				NW¼			SW14				SE1/4				TOTAL	
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List any other water rights that cover this place of use.

				File No. <u>28 2 9 5</u>
12.	Th It is	e pro	esently authorized use of water is for	
13.	If c	han	ging the place of use and/or use made of water, describe how the consumptive use will  \( \lambda \) \( \lambda \)	not be increased.
		ease	show any calculations here.)	
			quested that the maximum annual quantity of water be reduced to/\/ A	
15.	It is	s req	juested that the maximum rate of diversion of water be reduced to $\mathcal{NA}$ gal	lons per minute ( c.f.s.).
16.	1:2 Kai Dis	4,00 nsas tanc ould	plication must include either a topographic map or detailed plat. A U.S. Geological St. 20, is available through the Kansas Geological Survey, 1930 Constant Avenue, Units 66047-3726 ( <a href="https://www.usgs.gov">www.usgs.gov</a> ). The map should show the location of the presently at the section and West of the Southeast corner of the section must be shown. The presents also be shown. Identify the center of the section, the section lines and the section corner, township, and range numbers on the map. In addition the following information must a	versity of Kansas, Lawrence, athorized point(s) of diversion. cently authorized place of use ners and show the appropriate
	a.	If a	change in the location of the point(s) of diversion is proposed, show:	
		1)	The location of the proposed point(s) of diversion. Distances North and West of the S must be shown. Please be certain that the information shown on the map agrees a Paragraph Nos. 9, 10 and 11 of the application.	outheast corner of the section with the information shown in
		2)	If the source of supply is groundwater, please show the location of existing water domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify each well as to mailing address of the property owner or owners. If there are no wells within $\frac{1}{2}$ mile, p	its use and furnish name and
		3)	If the source of supply is surface water, the names and mailing addresses of all land and ½ mile upstream from your property lines must be shown.	owner(s) ½ mile downstream
	b.		change in the place of use is desired, show the proposed place of use by crosshate tain that the information shown on the map agrees with the information shown in Paragr	
17.	loca wel	al so I log de b	documentation to show the change(s) proposed herein will not impair existing water ri ource of supply as to which the water right relates. This information may include states is, test hole logs, and other information as necessary information to show the above. elow.	ments, plats, geology reports, Additional comments may be
		. y.	There will be uswells within 1/2 mile of	pressed location

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and

will not prejudicially and unreasonably affect the public interest.

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use authorized to make this application on their behalf, and declare furticomplete. By filing this application I authorize the chief engineer to p as specified in sections 14 and 15 of this application.	her that the statements contained herein are true, correct, and
Dated at Wallea Carty, Kansas, this	_ day of November , 2016.
(Owner) Ray P. Swith (Please Print)	day of November, 2016.  Dececesed  (Spouse) Lew i Suc Smith  (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
SS LIN	JBLIC - State of Kansas  IDSAY HARTMAN  ppt. Exp. 2-6-19  presence and sworn to before me this
FEE SCHED	ULE
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	e made of the water under this section shall be accompanied by the
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li> <li>(4) Application to change the use made of the water</li> </ul>	\$200

Make check payable to Kansas Department of Agriculture.

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

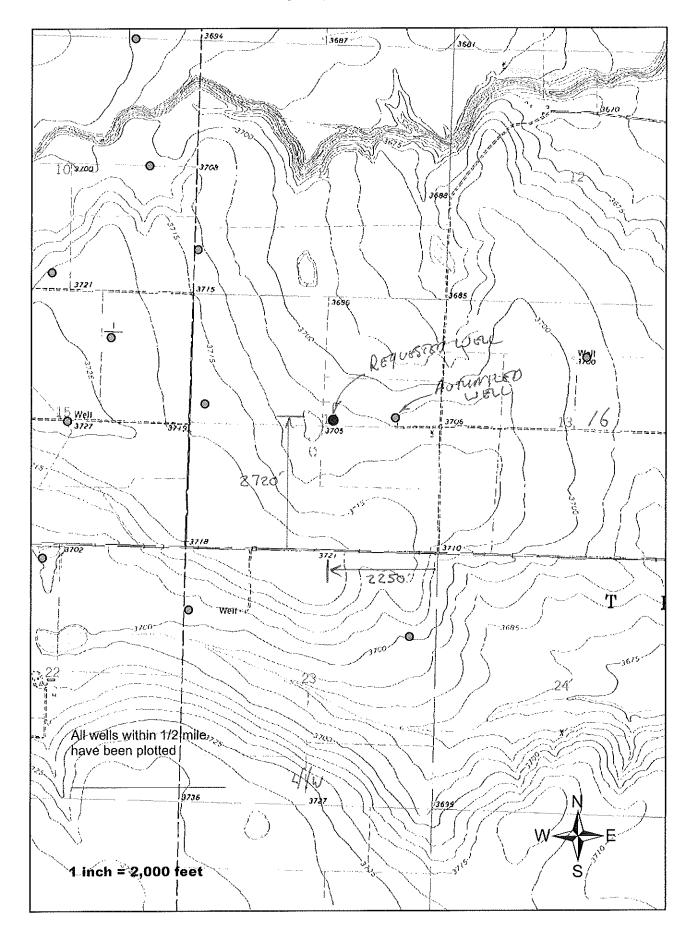
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 28295 A change application was received on <u>November 10, 2016</u> requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown ☐ Applicable on the topographic map accompanying the application to change the place of use. Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable The point(s) of diversion authorized herein shall not actually be located more than \_\_\_1320\_ feet from the previously authorized point(s) of diversion. Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable ☐ Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable The completed well log shall be submitted with the required notice. Applicable ☐ Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped Γ3k∕Nο 10. Additional Conditions are attached. 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park By: Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing Duly Authorized Designee of the Chief Engineer is not requested in accordance with K.A.R. 5-14-3, this Summary (Print Name): Thomas P Makens Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. NOW/OW RIPE 2016 Date of Issuance: For Use by Register of Deeds State of Kansas SS County of Acknowledged before me on Signature: Notary Public erife of JULIE JONES NOTARY FUELIC My Appointment Expires December 15, 2018 A this is My commission expires: (Notary Seal)

Grosch Irrigation
101 N. Hwy. 61; PO Box 940
Imperial, NE 69033
Phone: 800-944-4209 Fax: 308-882-4872 sales@groschirrigation.com

	Name:	Ray Smith				4	
	Address:					4	
City,	State, Zip:					J	
	Proiect:	Test well	********			7	
			44-thm			<b>-</b> -	
	GPS:	Lat. 38.6619 Lon101.81	_				
<del></del>		LUII 10 1.0 1	_				
Legal D	escription:	Section	SWNE S14	Township	16S	Range	41W
Static w	vater level:	200'		Well #:	1	Date:	10/26/2016
				tL			
From	То		уре	Hardness	Color	Drill	ing Action
0	5	To	psoil	Soft	Brown		
5	15		dy clay	Soft	Tan		
15	22	Lim	estone	Hard	White	pi	ull down
22	31	San	dy clay	Soft	Tan		
31	47	G	ravel	Loose	Red		
47	54	San	dy clay	Soft	Tan	with	limestone
54	64		dstone	Dense	Tan		
64	76		Clay	Soft	Tan	sandsto	ne and grave
76	83		dstone	Dense	Tan	1	······································
83	95	G	ravel	Loose	Red	too	ok water
95	111	(	Clay	Soft	Brown		stone strip
111	114		ravel	Loose	Red		
114	115	Lim	estone	Hard	White		
115	117		Clay	Soft	Brown		
117	121		ravel	Loose	Red		
121	126	Sand - fin	e to medium	Loose	Tan		
126	153		ravel	Loose	Red		***************************************
153	158	Lim	estone	Hard	White	strip	s of sand
158	166		ravel	Loose	Red		***************************************
166	173		Clay	Soft	Brown		
173	187		ravel	Loose	Red	too	k water
187	199		Clay	Soft	Tan		
199	236		ravel	Loose	Red	too	k water
236	246		chre	Soft	Orange	took water	
246	250		hale	Dense	Black		
							Z-110 - 1
omments	: 1300 feet	West of exist	ing well	·			, , , , , , , , , , , , , , , , , , , ,

Well driller:	Kevin

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Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary David W. Bartield, Chief Engineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

November 15, 2016

Western Kansas Groundwater Management District No 1 PO Box 604 Scott City KS 67861-0604

Re: Water Right file number 28295.

Dear Mr. Spencer;

Ray Smith has applied to redrill the point of diversion for the above referenced files. There are no neighboring wells within ½ mile of the requested location.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

Thomas P Makens



# WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

# November 16, 2016

Mr. Thom Makens Assistant Water Commissioner Division of Water Resources Garden City Field Office 2508 Johns Street Garden City, KS. 67846

RECEIVED

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Garden City Field Office Division of Water Resources

Re: Water Right File Number: 28295

Dear Mr. Makens:

After reviewing the change application for the above file, the request meets the District's current management plan and K.A.R. 5-21-3 regulation. Therefore the Western KS. Groundwater Management District would recommend approval.

If you have any concerns or questions, please feel free to contact me.

Sincerely,

**Kyle Spencer** 

Manager

BOX 604, 906 W. 5TH SCOTT CITY, KANSAS 67871 (620) 872-5563